



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2022

CORAM

THE HON'BLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.No.1477 of 2018

and

W.M.P.No.1879 of 2018

C.Kalpana

...Petitioner

Vs

1.The Chairman,
Tamilnadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai -5.

2.The Estate Officer -9,
Tamilnadu Slum Clearance Board,
Okkiam Thuraipakkam,
Kannaginagar,
Chennai -97.

3.The Zonal Officer -9,
Corporation of Chennai.

... Respondents

(R3 - Impleaded as per order
dated 17.09.2019 in
W.M.P.No.27213 of 2019 in
W.P.No.1477 of 2017)

Prayer Writ Petition filed under Section 226 of the Constitution of India, prayed for the issuance of Writ of Mandamus, directing the respondent to grant alternative regular allotment order for the Flat No.10/140, Ezhilnagar, Kannaginagar, Thuraipakkam, Chennai on the petition dated 16.02.2016 or receipt of temporary allotment Form No.3.

For Petitioner : Mr.G.Appavu

For R1 & R2 : Mr.M.Rajasekar
Standing Counsel

For R3 : Mr.R.Gopinath
Standing Counsel



ORDER

This Writ Petitioner has been filed seeking for the issuance of Writ of Mandamus, directing the respondent to grant alternative regular allotment order for the Flat No.10/140, Ezhilnagar, Kannaginagar, Thuraiyapakkam, Chennai on the petition dated 16.02.2016 or receipt of temporary allotment Form No.3.

2.This Court heard the matter elaborately from time to time and passed the following order on 17.11.2021:

"The learned Standing counsel for the first respondent admits the fact that petitioner has been provided accommodation at Flat No.10, Kannaginagar, Thuraiyapakkam on the basis that the petitioner was homeless.

2.In support of the learned counsel for the petitioner's contention, the learned Stating Counsel for the third respondent submits that the petitioner was issued with biometric card, which was issued to those who live near the Koovam River bed.

3.The learned Standing Counsel for the first respondent seeks time to get instruction as to whether, the petitioner can be given permanent accommodation at Thuraiyapakkam.

Post the matter on 22.11.2021."

3.Thereafter, the matter came up for hearing on 03.12.2021, on that date, the learned counsel appearing for the petitioner submitted that, subsequent to the order of this Court dated 17.11.2021, the respondents orally informed that they are intent to allot Flat No.10, Kannaginagar, Thuraiyapakkam, Chennai in favour of the petitioner, on 16.12.2021. Therefore, the matter was adjourned to 21.12.2021. After that, the matter is listed today. Today, when the matter is taken up for hearing, the learned Standing Counsel appearing for the respondents 1 and 2 submitted that the petitioner is liable to pay a sum of Rs.51,370/- towards rental arrears and other charges. In the event, the petitioner come forward to pay the said amount, the request of the petitioner will be considered.

4.In reply, the learned counsel for the petitioner submitted that the petitioner is agreeable to pay a sum of Rs.51,370/- as demanded by the respondents 1 and 2 towards rental arrear and other charges. However, he seeks some time to make the payment.



5. In view of the above submissions made by the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondents 1 and 2, this Court is of the view that, it would be appropriate to direct the petitioner to pay the rental arrears and other charges of Rs.51,370/-. Accordingly, the petitioner is directed to pay a sum of Rs.51,370/- (Rupees Fifty One Thousand Three Hundred and Seventy Only) to the second respondent within a period of four weeks from the date of receipt of a copy of this order. After the receipt of the aforesaid amount, the second respondent shall take necessary steps and allot Flat No.10, Ezhil Nagar, Kannaginagar, Thuraipakkam, Chennai, in favour of the petitioner within a period of four weeks thereafter. It is made clear that, in the event the petitioner failed to make the payment within the time prescribed, the second respondent is at liberty to take appropriate legal action against the petitioner to evict the premises.

6. With the above directions, this Writ Petition is disposed of. No Costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To:

1. The Chairman,
Tamilnadu Slum Clearance Board,
No.5, Kamarajar Salai, Chennai -5.

2. The Estate Officer -9,
Tamilnadu Slum Clearance Board,
Okkiam Thuraipakkam,
Kannaginagar, Chennai -97.

3. The Zonal Officer -9,
Corporation of Chennai.

+1cc to Mr.R.Gopinath, Advocate, S.R.No.6686
+1cc to Mr.G.Appavu, Advocate, S.R.No.6563

W.P.No.1477 of 2018
and W.M.P.No.1879 of 2018

PL(CO)
SB(17/02/2022)